

CAMPAIGN FINANCE SERVICES

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May 23, 2011

*Elections
Decl. Ruling Request*

BUREAU OF ELECTIONS
2011 MAY 25 A 8:59
DEPT OF STATE

**Secretary of State Ruth Johnson
Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901**

Request for Declaratory Ruling

Dear Secretary Johnson:

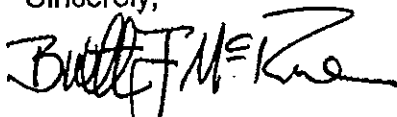
I hereby request a declaratory ruling pursuant to Section 15 of the Michigan Campaign Finance Act (MCFA) regarding the following question:

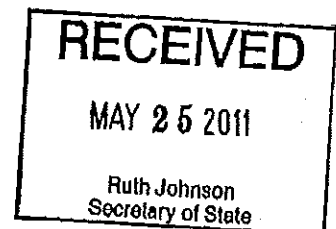
The Wayne County Commission has adopted an ordinance which would impose electronic reporting requirements on those committees required by the MCFA to file campaign statements with the Wayne county clerk (a copy of the adopted ordinance is attached). The electronic reporting requirement would apply to all committees except those which invoked the \$1,000 filing waiver.

In view of the fact that Section 18(15) of the MCFA only requires electronic reports to be filed by committees which (1) file with the Secretary of State, and (2) which receive or expend \$20,000.00 or more in a year, does the Wayne county ordinance violate Section 56 of the MCFA, which provides that a local unit of government may not adopt an ordinance or resolution that is more restrictive than the provisions contained in the MCFA?

I thank you for your consideration of this request.

Sincerely,


Brett J. McRae



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2
3
4 **PROPOSED ORDINANCE**

5
6 **No. 2011 -**
7

8
9 INTRODUCED BY COMMISSIONER(S): COMMISSIONER Cox and Co-sponsored
10 by Commissioners Gebhardt, Leland, Varga AND Webb
11

12 AN ORDINANCE TO ~~ESTABLISH~~ IMPLEMENT AN ELECTRONIC FILING AND
13 INTERNET DISCLOSURE SYSTEM FOR CAMPAIGN FINANCE REPORTS AND
14 STATEMENTS FILED WITH THE WAYNE COUNTY CLERK; TO REQUIRE CERTAIN
15 COMMITTEES TO ELECTRONICALLY FILE REPORTS AND STATEMENTS; TO
16 ENHANCE TRANSPARENCY IN CAMPAIGN FINANCE REPORTING BY REQUIRING
17 THE WAYNE COUNTY CLERK TO PROVIDE ONLINE ACCESS TO CAMPAIGN
18 REPORTS AND STATEMENTS AND COMMITTEE INFORMATION ON THE WAYNE
19 COUNTY WEBSITE.
20

21 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CHARTER COUNTY OF
22 WAYNE:
23

24 SECTION 1: CITATION

25 This Ordinance may be cited as the Campaign Finance Reporting
26 Ordinance.
27

28 SECTION 2: DEFINITIONS

29 For purpose of this Ordinance words, terms and phrases shall have
30 the same meaning as prescribed in Public Act 388 of 1976 of
31 Michigan Public Acts, as amended, the Michigan Campaign Finance
32 Act, unless specified otherwise herein.
33

34 The '*Campaign Finance Act*' means 1976 Public Act 388 of Michigan
35 Public Acts, as amended, being MCL 169.201 et seq.
36

37 SECTION 3: ELECTRONIC FILING SYSTEM ESTABLISHED; REQUIREMENTS;
38 EXCEPTIONS.
39

40 a. The Wayne County Clerk shall ~~develop~~ and implement an
41 electronic filing system that permits committees to
42 electronically file reports or statements required to be filed
43 with his/her office pursuant to the Campaign Finance Act.
44

1 ~~b. No later than January 1, 2012, the Wayne County Clerk shall~~
2 ~~offer each committee required to file campaign reports or~~
3 ~~statements with his/her office the option of filing~~
4 ~~electronically.~~

5
6 eb. Beginning with the annual campaign statement due January 31,
7 ~~2013-2012~~, each committee required to file with the Wayne County
8 Clerk that received or expended ~~\$10,000~~ \$1,000 or more in the
9 preceding calendar year or expects to receive or expend ~~\$10,000~~
10 \$1,000 or more in the current calendar year shall electronically
11 file all statements and reports required by the Campaign Finance
12 Act.

13
14 dc. If a committee was not required to electronically file a
15 campaign report or statement because it does not meet the
16 criteria under subsection (c), but the committee later meets the
17 criteria, the committee shall notify Wayne County Clerk within
18 ten (10) business days after meeting the criteria and shall
19 subsequently file electronically all reports and statements
20 required under the Campaign Finance Act.

21
22 ed. The Wayne County Clerk shall permit a committee to
23 electronically file reports and statements after the committee
24 treasurer and, for a candidate committee, the candidate has
25 signed a form designed by the county clerk to serve as the
26 signature verifying the accuracy and completeness of each report
27 or statement filed electronically.

28
29 fe. A committee shall not electronically file an original
30 statement of organization.

31
32 gf. Nothing herein is intended to conflict with or supersede the
33 filing, coding and cross-indexing system developed by the
34 Michigan Secretary of State pursuant to MCL 169.215(b).

35
36 SECTION 4: TRANSPARENCY AND INTERNET DISCLOSURE

37 a. The Wayne County Clerk shall develop and implement an internet
38 disclosure system that provides online access to reports or
39 statements filed by local, school and county candidates with
40 his/her office. The Wayne County Clerk, to the best of his/her
41 ability, shall provide an accurate online representation of
42 campaign reports and statements filed with his/her office.

43
44 b. No later than January 31, 2012, the County Clerk shall provide
45 online access to:

- 1
- 2 1. all campaign reports and statements required to be
- 3 filed with his/her office under the Campaign Finance
- 4 Act, as soon as practicable, but no later than the
- 5 third business day following the day on which it is
- 6 received, except a report of late contribution shall
- 7 be provided the same business day;
- 8
- 9 ii. a list of committees that owe campaign finance filing
- 10 fees;
- 11
- 12 iii. contributions received by committees or candidates,
- 13 including the amount of each contribution;
- 14
- 15 iv. expenditures made by committees or candidates; and
- 16
- 17 v. campaign finance documents for political committees
- 18 that are required to be disclosed by law.
- 19
- 20 c. The Wayne County Clerk shall provide online access that
- 21 includes a feature that allows searches for committees, candidate
- 22 committees, political party committees, expenditures and late
- 23 contributions.
- 24
- 25 d. The Wayne County Clerk shall provide online access through the
- 26 Wayne County website and include the capacity to view and print
- 27 documents. The County Clerk shall not require registration or be
- 28 otherwise restrict online access, unless the law provides
- 29 otherwise.
- 30
- 31 e. The Wayne County Clerk shall provide online access to all
- 32 reports and statements filed electronically with his/her office
- 33 for at least five (5) years. The County Clerk shall, at a
- 34 minimum, provide online access to the last five (5) years of
- 35 electronically filed reports and statements filed with his/her
- 36 office.
- 37
- 38 f. There shall be no fee charged for the online access provided
- 39 under this Section. All other fees permitted by law shall not be
- 40 impacted by this Ordinance.
- 41
- 42 SECTION 5: COMMISSION APPROVAL REQUIRED
- 43 All contracts to develop, implement, maintain and other
- 44 agreements related to the electronic filing and internet

1 disclosure system shall be subject to Ordinance 2006-1101, the
2 Procurement Ordinance, as amended.
3

4 SECTION 6: NOTICE OF ELECTRONIC FILING

5 a. The Wayne County Clerk shall post notice of the electronic
6 filing requirements of this Ordinance in his/her offices and on
7 the Wayne County website no later than June 1, 2011.
8

9 b. The Wayne County Clerk shall provide each committee and
10 candidate with written notification of the requirements of this
11 Ordinance no later than August 1, 2011.
12

13 SECTION 7: SEVERABILITY

14 The provisions of this Ordinance shall be severable. If a court
15 of competent jurisdiction declares any provision of this
16 Ordinance unconstitutional or otherwise invalid the remaining
17 provisions of this Ordinance shall remain valid and enforceable.
18

19 SECTION 8: EFFECTIVE DATE

20 This Ordinance is effective sixty (60) days after its adoption by
21 the Wayne County Commission.
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